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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON

7 CEN COM, INC., a Washington Corporation  
8 doing business as American Digital  
Monitoring,

9 Plaintiff,

10 v.

11 NUMEREX CORP., a Pennsylvania  
12 Corporation; NextAlarm, LLC, a Georgia  
13 Limited Liability Company; and DOES 1 –  
10,

14 Defendants.  
15

Case No. C17-0560RSM

ORDER STRIKING TRIAL DATE AND  
REMAINING PRETRIAL DEADLINES

16 This matter was removed to this Court on April 11, 2017, and was initially assigned  
17 to the Honorable John C. Coughenour, Senior United States District Judge. Dkt. #1. The  
18 case was subsequently reassigned to this Court. *See* Dkt. #12. On June 26, 2017, this Court  
19 issued its Order Setting Trial Date and Related Dates, setting trial for August 20, 2018. Dkt.  
20 #20. That trial date remains scheduled.

21 On January 4, 2018, Defendants moved for Judgment on the Pleadings, seeking  
22 dismissal of all but one claim. Dkt. #22. On March 7, 2018, this Court granted the motion,  
23 dismissing all but one claim, but allowing leave to amend. Dkt. #60.

24 On March 27, 2018, Plaintiff filed an Amended Complaint. Dkt. #73. Defendants  
25 followed with a Motion to Dismiss for Failure to State a Claim. Dkt. #76. On May 17, 2018,  
26

1 this Court granted in part Defendants' motion, dismissing all of Plaintiff's claims with  
2 prejudice, with the exception of the portion of Claim One for breach of contract on the basis  
3 that Defendants failed to pay certain fees and/or make timely payments as required by the  
4 contract. Dkt. #111. Defendants then filed an Answer to the Amended Complaint, with  
5 Counterclaims, pursuant to the Civil Rules of Civil Procedure. Dkt. #128.  
6

7 Plaintiff has now filed a Motion to Dismiss for Failure to State a Claim and to Strike  
8 Counterclaims. Dkt. #146. That motion is not noted for consideration until July 6, 2018,  
9 approximately one month prior to trial. *Id.* That noting date does not leave this Court  
10 sufficient time to resolve the motion prior to trial. Further, the outcome of the motion may  
11 result in the dismissal of certain claims or counterclaims which could affect the issues before  
12 the Court and the length of trial.  
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14 Accordingly, this Court hereby ORDERS that the current trial date of August 20,  
15 2018, is STRICKEN, along with the remaining pretrial deadlines (39.1 mediation, motions in  
16 limine, pretrial order, trial briefs, proposed voir dire/jury instructions, and pretrial  
17 conference). The Court shall provide further direction to the parties with respect to a new  
18 trial date and pretrial deadlines once it has resolved the pending motion to dismiss.  
19

20 DATED this 18 day of June, 2018.

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22 RICARDO S. MARTINEZ  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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